



APPLICATION GRANTED
SO ORDERED *Vern Bro*
VERNON S. BRODERICK
U.S.D.J. 7/25/2023

Defendant's deadline to answer Plaintiff's complaint is extended to two weeks after the resolution of Plaintiff's

THE CITY OF NE anticipated motion to substitute.

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

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July 24, 2023

VIA ECF

Honorable Vernon S. Broderick
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *John Zippo v. City of New York et al.*, 23-CV-00865 (VSB)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendant City of New York ("City") in the above referenced matter. For the reasons set forth below, and with the consent of plaintiff's counsel Stephanie Panousieris, defendant City respectfully requests a stay of defendant's response to the complaint until two weeks after Plaintiff's motion for substitution is resolved.

As Your Honor likely recalls, on July 21, 2023, the Court extended Plaintiff's time to substitute Plaintiff for the Administrator of his Estate to August 22, 2023. *ECF No. 15*. Given that Plaintiff's motion for substitution has not yet been filed, and it is therefore unclear when it will be resolved, Defendant City is now seeking a stay of its response to the complaint, until two weeks after Plaintiff's motion for substitution is resolved. Moreover, in light of the anticipated motion for substitution that needs to be filed to continue this litigation, there is no prejudice to plaintiff if defendant City files its response to the complaint shortly thereafter and this will forgo the need for the City to continue to request extensions in the event Plaintiff's motion for substitution is not immediately resolved.

Accordingly, defendant City respectfully requests a stay of its response to the complaint until two weeks after Plaintiff's motion for substitution is resolved. Thank you for your consideration of the instant application.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**
Stephanie Panousieris
Attorney for Plaintiff